

BC MN
Thomas L. Gambaro

Email: thom.gambaro@gmail.com

P.O. Box 14741

Portland, Oregon 97293-0741

Telephone: 503-544-0589

FILED 10 SEP 29 14 03 USDC-ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

FLIR SYSTEMS, INC., an Oregon
corporation,

Plaintiff,

v.

THOMAS L. GAMBARO, an individual;
and **MOTIONLESS KEYBOARD
COMPANY**, an Oregon corporation

Defendants.

Case No. CV 10-0231-BR

**NOTICE UNDER RULE 5.1 FOR
CONSTITUTIONAL CHALLENGE
OF PATENT INFRINGEMENT DUE
PROCESS**

DEMAND FOR JURY TRIAL

**NOTICE UNDER RULE 5.1 FOR CONSTITUTIONAL CHALLENGE
OF PATENT INFRINGEMENT DUE PROCESS**

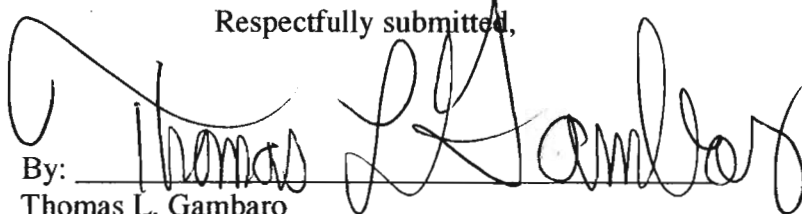
Pursuant to Rule 5.1 the Defendant Pro Se respectfully serves notice that the pending case will become test case for a proposed Constitutional Challenge of the Statues for a revised process in judicial matters involving patent infringement cases prior to the case being allowed into Federal Court whereby the U.S. Patent and Trademark Office immediately becomes a party in any patent infringement disputes and the U.S. Patent and Traemark Office will conduct a review of the Accused Products to the legal standard of

**NOTICE UNDER RULE 5.1 FOR CONSTITUTIONAL CHALLENGE OF
PATENT INFRINGEMENT DUE PROCESS**

“one skilled in the art” of the subject matter of the patent infringement prior to the case being approved for filing in Federal Court. The notice is supported by the Declaration of Thomas L. Gambaro in support of issues relating to a Partial Summary Judgment process in progress that denies the U.S. Patent and Trademark Office of their due process of law to maintain higher standards of law for issuing and maintaining the patent system. This trial case has a two precedents of violations of the rights of patent holders where the establishment of basic facts was not established prior to ruling of law being ordered. This case also includes a precedent where the U.S. Patent and Trademark Office did step in for the last step of the judicial process and justice prevailed. The Constitutional Challenge to the Statutes would bring one of the true parties of interest in patent infringement cases in the case early on to establish facts at the legal standard of “one skilled in the art”.

Dated: September 29, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas L. Gambaro", written over a horizontal line.

By: _____
Thomas L. Gambaro
Email: thom.gambaro@gmail.com
P.O. Box 14741
Portland, Oregon 97293-0741
Telephone: 503-544-0589

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 29, 2010, a true copy of the foregoing **NOTICE UNDER RULE 5.1 FOR CONSTITUTIONAL CHALLENGE OF PATENT INFRINGEMENT DUE PROCESS** was served to the following counsel by hand delivery, electronic filing via e-mail with electronic signature and first class mail:

James L. Buchal, OSB 921618

jlbuchal@mblllp.com

Murphy & Buchal LLP

2000 SW First Avenue, Suite 420

Portland, OR 97201

Tel: 503-227-1011x3

Fax: 503-227-1034

Attorney for Defendant Motionless Keyboard Company

Susan D. Marmaduke, OSB 841458

susan.marmaduke@harrang.com

Sivhwa Go, OSB 033252

hwa.go@harrang.com

HARRANG LONG GARY RUDNICK P.C.

1001 SW FIFTH AVENUE, 16TH FLOOR

PORTLAND, OREGON 97204

Telephone: 503-242-0000

Facsimile: 503-241-1458

William A. Brewer III, *Admitted Pro Hac Vice*

wab@bickelbrewer.com

Michael J. Collins, *Admitted Pro Hac Vice*

mjc@bickelbrewer.com

Farooq A. Tayab, *Admitted Pro Hac Vice*

fat@bickelbrewer.com

BICKEL & BREWER

4800 Commercial Bank Tower

1717 Main Street

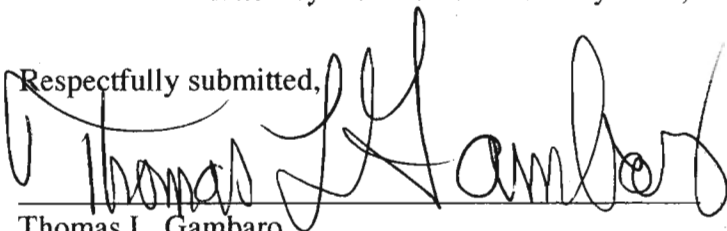
Dallas, TX 75201-4612

Telephone: 214-653-4000

Fax: 214-653-1015

Attorneys for Plaintiff FLIR Systems, Inc.

Respectfully submitted,



September 29, 2010 By:

Thomas L. Gambaro

P.O. Box 14741

Portland, Oregon 97293-0741

Telephone: 503-544-0589

Email: thom.gambaro@gmail.com